

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARIC MICHAEL MCGINN,

Defendant.

No. 06-CR-4090-DEO

**ORDER REGARDING REPORT AND
RECOMMENDATION CONCERNING
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On October 25, 2006, a 1 Count Indictment (Docket No. 2, 10/25/2006) was returned against defendant Aric Michael McGinn.

Count 1 of that Indictment charges that on or about October 18, 2006, in the Northern District of Iowa, the defendant, Aric Michael McGinn, having been convicted of a misdemeanor crime of domestic abuse, that is a simple misdemeanor domestic abuse in Crawford County Iowa, Court Case Number SMSM051597, did knowingly possess in and affecting commerce, a Mossberg 410 gauge shotgun, serial number P001603 and a Fabrique Nationale (model unknown), (caliber unknown), semiautomatic handgun, serial number 145936.

This was in violation of Title 18, United States Code, Section 922(g)(9) and 924(a)(2).

The Indictment further states that in committing the acts specified in Count 1, that defendant Aric Michael McGinn shall forfeit to the United States any firearm or ammunition involved in or used in the knowing violation of Title 18, United States Code, Section 922(g)(9), including but not limited to the firearms listed above.

This is pursuant to 18 U.S.C. Section 924(d)(1) and 28 U.S.C. Section 2461(C).

On February 15, 2007, defendant Aric Michael McGinn appeared before Chief United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Count 1 of the Indictment. On the same date, Chief Magistrate Judge Zoss filed a Report and Recommendation (Docket No. 19, 02/15/2007) in which he recommends that defendant Aric Michael McGinn's guilty plea be accepted. No objections to Chief Judge Zoss's Report and Recommendation were filed. The Court, therefore, undertakes the necessary review of Judge Zoss's recommendation to accept defendant Aric Michael McGinn's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

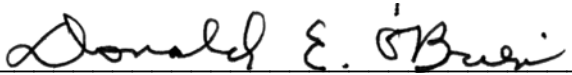
FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the Court upon review of Judge Zoss's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that the this Court accepts Chief Judge Zoss's Report and Recommendation (Docket

No. 19), and accepts defendant's plea of guilty in this case to Count 1 of the Indictment filed on October 25, 2006 (Docket No. 2).

IT IS SO ORDERED this 26th day of April, 2007.


Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa